

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIACLAUDIA GARCIA,
Plaintiff,

v.

ISS FACILITY SERVICES, INC., et al.,
Defendants.Case No. [19-cv-07807-RS](#)**ORDER EXTENDING BRIEFING
DEADLINES AND CONTINUING
HEARING**

Once again plaintiff seeks to extend the schedule for her motion for class certification. This time plaintiff contends she needs to depose up to five individuals who submitted declarations with defendants' opposition to certification. Plaintiff therefore requests that her deadline for filing her reply brief and the hearing date both be extended by 21 days, and that the deponents be ordered to appear. Alternatively, plaintiff asks that if she is required to bring a motion to compel the depositions, the schedule be extended by 60 days.

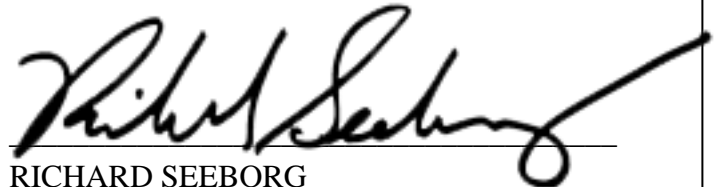
When plaintiff previously sought extensions of the deadline to bring her motion, she failed to show there was critical discovery that she had been unable to obtain despite diligent efforts. The circumstances arguably are somewhat different at this juncture, because plaintiff contends the need for these particular depositions arose directly from defendants' opposition to the motion. It still appears, however, that much or all of current problem is rooted in plaintiff's failure to pursue discovery diligently prior to the filing of the motion. Accordingly, plaintiff has not independently established that a continuance is appropriate, and has certainly not made a sufficient showing in its

1 present motion that an order compelling the depositions should enter.

2 Because of the court's own scheduling needs, however, the hearing in this matter was
3 going to be continued, even had plaintiff not moved to do so. Accordingly, the hearing is hereby
4 continued to May 26, 2022, with the reply brief due two weeks in advance of the hearing. The
5 parties are directed to meet and confer in good faith to schedule such depositions as may be
6 appropriate and practicable to conduct prior to the time the reply brief is due. Nothing in this
7 order, however, should be construed as a finding that plaintiff necessarily has a right complete any
8 or all of the depositions in dispute before filing a reply. Defendants should nonetheless bear in
9 mind that declarations that have been tested at deposition will in some instances constitute
10 stronger or more persuasive evidence than those that have not.

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12 **IT IS SO ORDERED.**

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14 Dated: April 6, 2022

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16 
17 RICHARD SEEBORG
18 Chief United States District Judge

United States District Court
Northern District of California